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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-781

13 **MARIA JANET ISON FLORES**
14 **aka MARIA JANET FLORES**
1032 N. La Breda Avenue
Covina, CA 91722

A C C U S A T I O N

15 Registered Nurse License No. 803871,
16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about August 8, 2011, the Board of Registered Nursing (Board) issued
24 Registered Nurse License No. 803871 to Maria Janet Ison Flores aka Maria Janet Flores
25 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
26 the charges brought herein and will expire on September 30, 2014, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4 **STATUTORY PROVISIONS**

5 4. Section 490 states, in pertinent part:

6 "(a) In addition to any other action that a board is permitted to take against a licensee, a
7 board may suspend or revoke a license on the ground that the licensee has been convicted of a
8 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
9 or profession for which the license was issued.

10 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
11 discipline a licensee for conviction of a crime that is independent of the authority granted under
12 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
13 of the business or profession for which the licensee's license was issued.

14 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
15 conviction following a plea of nolo contendere. Any action that a board is permitted to take
16 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
17 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
18 made suspending the imposition of sentence, irrespective of a subsequent order under the
19 provisions of Section 1203.4 of the Penal Code. "

20 5. Section 2750 provides, in pertinent part, that the Board may discipline any licensee,
21 including a licensee holding a temporary or an inactive license, for any reason provided in Article
22 3 (commencing with section 2750) of the Nursing Practice Act.

23 6. Section 2761 of the Code states:

24 "The board may take disciplinary action against a certified or licensed nurse or deny an
25 application for a certificate or license for any of the following:

26 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

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1 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
2 violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice
3 Act] or regulations adopted pursuant to it.

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5 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
6 functions, and duties of a registered nurse, in which event the record of the conviction shall be
7 conclusive evidence thereof."

8 7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
9 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
10 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the
11 Code, the Board may renew an expired license at any time within eight years after the expiration.

12 **REGULATORY PROVISIONS**

13 8. California Code of Regulations, title 16, section 1444, states:

14 "A conviction or act shall be considered to be substantially related to the qualifications,
15 functions or duties of a registered nurse if to a substantial degree it evidences the present or
16 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
17 safety, or welfare."

18 **COST RECOVERY**

19 9. Section 125.3 provides, in pertinent part, that the Board may request the
20 administrative law judge to direct a licentiate found to have committed a violation or violations of
21 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
22 enforcement of the case, and that the Board may include the recovery of said costs in any
23 stipulated settlement with the licentiate.

24 **FIRST CAUSE FOR DISCIPLINE**

25 **(Conviction of a Substantially Related Crime)**

26 10. Respondent is subject to disciplinary action under section 2761, subdivision (f) and
27 490, in conjunction with California Code of Regulations, title 16, section 1444, in that
28 Respondent has been convicted of a crime substantially related to the qualifications, functions, or

1 duties of a registered nurse. On or about October 19, 2011, after pleading nolo contendere,
2 Respondent was convicted of one misdemeanor count of violating Penal Code section 484,
3 subdivision (a) [petty theft] in the criminal proceeding entitled *The People of the State of*
4 *California v. Maria Janet Flores* (Los Angeles County Superior Court Case No. 1JB06676). The
5 Court sentenced Respondent to serve 1 day in Los Angeles County Jail and placed her on 3 years
6 probation, with terms and conditions. The circumstances surrounding the conviction are that on
7 or about June 25, 2011 Respondent entered a Costco store in the City of Industry, CA, selected
8 several items, concealed them in her purse, and walked out without paying for the merchandise.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct)**

11 11. Respondent is subject to disciplinary action under section 2761, subdivision (a), in
12 that Respondent committed acts that constitute unprofessional conduct. Complainant refers to,
13 and by this reference incorporates, the allegations set forth above in paragraph 10, as thought set
14 forth fully.

15 **DISCIPLINARY CONSIDERATION**

16 12. In order to determine the degree of discipline, if any to be imposed on Respondent,
17 Complainant alleges the following:

18 a. On or about August 20, 2007, after pleading guilty, Respondent was convicted of one
19 misdemeanor count of violating Penal Code section 484, subdivision (a) [petty theft] in the
20 criminal proceeding entitled *The People of the State of California v. Janet Ison Flores* (Orange
21 County Superior Court Case No. 07NM10400). The Court sentenced Respondent to serve 20
22 days in Orange County Jail and placed her on 3 years probation, with terms and conditions. The
23 circumstances surrounding the conviction are that on or about June 15, 2007, Respondent
24 unlawfully stole, took, and carried away the personal property of another.

25 **PRAYER**

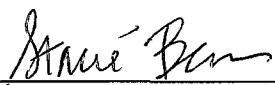
26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
27 and that following the hearing, the Board issue a decision:
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1 1. Revoking or suspending Registered Nurse License Number 803871, issued to Maria
2 Janet Ison Flores aka Maria Janet Flores.

3 2. Ordering Maria Janet Ison Flores aka Maria Janet Flores to pay the Board the
4 reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and

5 3. Taking such other and further action as deemed necessary and proper.
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8 DATED: March 18, 2013


for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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24 (rev. 3/5/13)
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